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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,910	03/13/2001	Ivan Wong Yin Yang	00100.01.0038	2786

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EXAMINER	
VAN HANDEL, MICHAEL P	

ART UNIT	PAPER NUMBER
2424	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/804,910	YANG ET AL.	
	Examiner	Art Unit	
	MICHAEL VAN HANDEL	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-10,15-22,24,26,28-31 and 36-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-10, 15-22, 24, 26, 28-31, 36-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 4/09/2009. Claims **6-10**, **15-22**, **24**, **26**, **28-31**, **36-41** are pending. Claims **6**, **16**, **19**, **22**, **24**, **26**, **36**, and **39** are amended. Claims **1-5**, **11-14**, **23**, **25**, **27**, **32-35** are canceled.

Response to Arguments

2. Applicant's arguments regarding claims **6**, **16**, **19**, **22**, **24**, **26**, **36**, and **39**, filed 4/09/2009, have been fully considered, but they are not persuasive.

Regarding claims **6**, **16**, **19**, **22**, **24**, **26**, **36**, and **39**, the applicant argues that during the April 9, 2009 interview, the examiner agreed that Matthews, III et al. does not teach an EPG having at least one cell of said plurality of cells, that indicates presence of existent user-initiated recorded material. The examiner respectfully disagrees. In the Interview, as well as in the Interview Summary mailed 4/13/2009, the examiner recommended that Applicant amend the last limitation of the independent claims to correlate the existent recorded material with the user-initiated recorded material of the first limitation. Applicant's amendment does not correlate the "user-initiated recorded material" of the last limitation of the independent claims with the "user-initiated recorded material" of the first limitation of the independent claims, because the claim language does not define a relationship requiring the "user-initiated recorded material" of the last limitation to be the same "user-initiated recorded material" as that in the first limitation. That is, the "user-initiated recorded material" of the last limitation of the independent claims could be

entirely different material than the "user-initiated recorded material" of the first limitation of the independent claims, as currently claimed. Since Matthews, III et al. teaches recording user-entered target specification data within program cells, the examiner maintains that Matthews, III et al. teaches "user-initiated recorded material," as currently claimed in the last limitation of the claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims **6-10**, **15-22**, **24**, **26**, **28-31**, **36-41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Arsenault et al. in view of Matthews, III et al. (of record).

Referring to claims **6**, **16**, **19**, and **26**, Arsenault et al. discloses a system/method for providing an extended electronic program guide (col. 15, l. 58-67 & Figs. 6, 7), comprising:

- at least one recorded material database containing user-initiated recorded material that includes at least one of: recorded video streams (col. 2, l. 48-50; col. 14, l. 50-54; col. 15, l. 58-67; & col. 16, l. 57-60), still images, and recorded audio streams;
- at least one live stream database containing at least information regarding at least one of: a current live stream and a future live stream (col. 6, l. 16-23);
- a database integrator that produces for display the extended electronic program guide, the database integrator operatively connected to the at least one recorded material

database and the at least one live stream database, the extended electronic program guide including information related to the recorded material and information related to the at least one of: the current live stream and the future live stream (col. 15, l. 58-67; col. 16, l. 1-2; & Figs. 6, 7); and

- wherein the extended electronic program guide is organized as a grid of entries, said grid including a plurality of cells wherein said entries are contained within said cells, each of the cells including the information related to at least one of the current live stream or the future live stream (col. 15, l. 66-67 & Figs. 6, 7).

Arsenault et al. does not specifically disclose that at least one entry, in at least one cell of said plurality of cells, indicates presence of user-initiated recorded material associated with at least a second entry in said at least one cell, said at least a second entry containing the information related to either the current live stream or the future live stream. Matthews, III et al. discloses an EPG that inserts hyperlinks to additional content related to a program into related channel tiles and program tiles (col. 9, l. 56-64 & Fig. 5). Matthews, III et al. further discloses allowing the user to enter target specifications to target resources the user enjoys and to associate them with a particular program or channel (col. 11, l. 22-33). The examiner interprets these user-entered target specifications to be user-initiated recorded material. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the EPG of Arsenault et al. to include user-specified target specifications associated with program tiles in the EPG, such as that taught by Matthews, III et al. in order to provide a better way of integrating supplemental content with TV programs (Matthews, III et al. col. 4, l. 22-24).

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **7**, **38**, and **41**, the combination of Arsenault et al. and Matthews, III et al. teaches the system/method according to claims 6, 36, and 39, wherein the recorded material is time shifted data of predetermined live stream data (Arsenault et al. col. 2, l. 48-50, 60-62).

Referring to claims **8** and **28**, the combination of Arsenault et al. and Matthews, III et al. teaches the system/method according to claims 6 and 26, respectively, wherein the recorded material is material derived from a source of digital data (Arsenault et al. col. 2, l. 40-42).

Referring to claims **9** and **29**, the combination of Arsenault et al. and Matthews, III et al. teaches the system/method according to claims 6 and 26, respectively, wherein respective recorded material of a plurality of recorded materials is derived from a respective source of digital data of a plurality of digital data (Arsenault et al. col. 2, l. 40-42).

Referring to claims **10**, **17**, **20**, and **30**, the combination of Arsenault et al. and Matthews, III et al. teaches the system/method according to claims 6, 16, 19, and 26, wherein the at least one recorded material database includes data related to predetermined recorded material (Arsenault et al. Figs. 6, 7), identification data (Arsenault et al. Figs. 6, 7), and optionally, at least one of data representing: time recorded, time duration, actors/actresses, rating, and password.

Referring to claims **15**, **18**, **21**, and **31**, the combination of Arsenault et al. and Matthews, III et al. teaches the system/method according to claims 6, 16, 19, and 26, wherein the information regarding at least one of: the current live stream and the future live stream correspondingly includes at least one of: identification of the current live stream and

identification of the future live stream (Arsenault et al. Figs. 6, 7), and the information related to recorded material includes identification of the recorded material (Arsenault et al. Figs. 6, 7).

Referring to claim **22**, Arsenault et al. discloses a method for providing and displaying an extended electronic program guide, comprising:

- generating at least one recorded material database containing user-initiated recorded material that includes at least one of: recorded video streams (col. 2, l. 48-50; col. 14, l. 50-54; col. 15, l. 58-67; & col. 16, l. 57-60), still images, recorded audio stream and recorded closed captioning information;
- generating at least one live stream database containing at least information regarding at least one of a current live stream and a future live stream (col. 6, l. 16-23);
- producing, for display the extended electronic program guide by integrating data from the at least one of: the live stream database and the pre-generated database, with data from the at least one recorded material database, the extended electronic program guide including information related to the recorded material and information regarding the at least one of: the current live stream and the future live stream (col. 15, l. 58-67; col. 16, l. 1-2; & Figs. 6, 7);
- displaying the extended electronic program guide wherein information related to the recorded material is displayed with information regarding the at least one of the current and the future live stream, the information regarding the at least one of the current and the future live stream including correspondingly at least one of: identification of the current live stream and identification of the future live stream,

and the information related to the recorded material including identification of the recorded material (col. 15, l. 58-67; col. 16, l. 1-2; & Figs. 6, 7); and

- wherein displaying the extended electronic program guide comprises displaying a grid of entries, said grid including a plurality of cells wherein said entries are contained within said cells, each of the cells including the information related to at least one of the current live stream or the future live stream (col. 15, l. 66-67 & Figs. 6, 7).

Arsenault et al. does not specifically disclose that at least one entry, in at least one cell of said plurality of cells, indicates presence of user-initiated recorded material associated with at least a second entry in said at least one cell, said at least a second entry containing the information related to either the current live stream or the future live stream. Matthews, III et al. discloses an EPG that inserts hyperlinks to additional content related to a program into related channel tiles and program tiles (col. 9, l. 56-64 & Fig. 5). Matthews, III et al. further discloses allowing the user to enter target specifications to target resources the user enjoys and to associate them with a particular program or channel (col. 11, l. 22-33). The examiner interprets these user-entered target specifications to be user-initiated recorded material. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the EPG of Arsenault et al. to include user-specified target specifications associated with program tiles in the EPG, such as that taught by Matthews, III et al. in order to provide a better way of integrating supplemental content with TV programs (Matthews, III et al. col. 4, l. 22-24).

Referring to claim **24**, Arsenault et al. discloses a system for providing and displaying an extended electronic program guide, comprising:

- at least one recorded material database containing user-initiated recorded material that includes at least one of: recorded video streams (col. 2, l. 48-50; col. 14, l. 50-54; col. 15, l. 58-67; & col. 16, l. 57-60), still images, recorded audio streams and recorded closed captioning information;
- at least one live stream database containing at least information regarding at least one of a current and a future live stream (col. 6, l. 16-23);
- a database integrator operatively connected to the at least one recorded material database and the at least one live stream database, the database integrator integrating data from the at least one recorded material database with data from the at least one live stream database to produce, for display, the extended electronic program guide (col. 15, l. 58-67; col. 16, l. 1-2; & Figs. 6, 7);
- the extended electronic program guide including information related to the recorded material and information regarding the at least one of the current and the future live stream, the information regarding the at least one of the current and the future live stream including correspondingly at least one of an identification of the current live stream and an identification of the future live stream, the information related to the recorded material including identification of the recorded material (col. 15, l. 58-67; col. 16, l. 1-2; & Figs. 6, 7); and
- wherein displaying the extended electronic program guide comprises displaying a grid of entries, said grid including a plurality of cells wherein said entries are contained within said cells, each of the cells including the information related to at

least one of the current live stream or the future live stream (col. 15, l. 66-67 & Figs. 6, 7).

Arsenault et al. does not specifically disclose that at least one entry, in at least one cell of said plurality of cells, indicates presence of user-initiated recorded material associated with at least a second entry in said at least one cell, said at least a second entry containing the information related to either the current live stream or the future live stream. Matthews, III et al. discloses an EPG that inserts hyperlinks to additional content related to a program into related channel tiles and program tiles (col. 9, l. 56-64 & Fig. 5). Matthews, III et al. further discloses allowing the user to enter target specifications to target resources the user enjoys and to associate them with a particular program or channel (col. 11, l. 22-33). The examiner interprets these user-entered target specifications to be user-initiated recorded material. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the EPG of Arsenault et al. to include user-specified target specifications associated with program tiles in the EPG, such as that taught by Matthews, III et al. in order to provide a better way of integrating supplemental content with TV programs (Matthews, III et al. col. 4, l. 22-24).

Referring to claims **36**, **37**, **39**, and **40**, Arsenault et al. discloses a system/method for providing an extended electronic program guide, comprising:

- at least one local recorded material database containing recorded material (col. 2, l. 48-50; col. 14, l. 50-54; col. 15, l. 58-67; & col. 16, l. 57-60);
- a database integrator that produces for display the extended electronic program guide, wherein the extended electronic program guide is organized as a grid of entries, said grid including a plurality of cells wherein said entries are contained within said cells,

each of the cells including the information related to at least one of: the current live stream or the future live stream (col. 15, l. 58-67; col. 16, l. 1-2; & Figs. 6, 7).

Arsenault et al. does not specifically disclose that at least one entry, in at least one cell of said plurality of cells, indicates presence of user-initiated recorded material associated with at least a second entry in said at least one cell, said at least a second entry containing the information related to either the current live stream or the future live stream. Matthews, III et al. discloses an EPG that inserts hyperlinks to additional content related to a program into related channel tiles and program tiles (col. 9, l. 56-64 & Fig. 5). Matthews, III et al. further discloses allowing the user to enter target specifications to target resources the user enjoys and to associate them with a particular program or channel with a symbol (col. 11, l. 22-33 & Fig. 5). The examiner interprets these user-entered target specifications to be user-initiated recorded material. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the EPG of Arsenault et al. to include user-specified target specifications associated with program tiles in the EPG, such as that taught by Matthews, III et al. in order to provide a better way of integrating supplemental content with TV programs (Matthews, III et al. col. 4, l. 22-24).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art Unit 2424